

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

Chapter 11

CENTER FOR AUTISM AND RELATED
DISORDERS, LLC, *et al.*¹
Debtors.

Case No. 23-90709 (CML)
(Jointly Administered)

**WIND-DOWN DEBTORS' MOTION FOR ENTRY OF AN ORDER AUTHORIZING
FILING OF EXHIBITS 1, 4 AND 5 TO THE WIND-DOWN
DEBTORS' WITNESS AND EXHIBIT LIST UNDER SEAL FOR HEARING ON
JANUARY 14, 2025**

If you object to the relief requested, you must respond in writing. Unless otherwise directed by the Court, you must file your response electronically at <http://ecf.txsbs.uscourts.gov/> within 21 days from the date this motion was filed. If you do not have electronic filing privileges, you must file a written objection that is actually received by the clerk within 21 days from the date this motion is filed. Otherwise, the Court may treat this pleading as unopposed and grant the relief requested.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Center for Autism and Related Disorders, LLC (1512); CARD Holdings, LLC (1453); CARD Intermediate Holdings I, LLC (N/A); CARD Intermediate Holdings II, LLC (3953); and SKILLS Global, LLC (4192). The location of the Debtors' principal place of business is 9089 S Pecos Rd., Suite 3600, Henderson, Nevada 89074.

The above-captioned Wind-Down Debtors (the “Wind-Down Debtors” and prior to the Effective Date of the Plan, the “Debtors”) in the above-captioned chapter 11 cases (these “Chapter 11 Cases”) file this motion for Entry of an Order Authorizing Filing of Exhibits 1, 4 and 5 to the Wind-Down Debtors’ Witness and Exhibit List Under Seal for January 14, 2025 Hearing (the “Motion”) and respectfully state as follows.

RELIEF REQUESTED

1. By this Motion, the Wind-Down Debtors seek entry of an order (i) authorizing them to file under seal Exhibit 1 (“Exhibit 1”), Exhibit 4 (“Exhibit 4”), and Exhibit 5 (“Exhibit 5”, and together with Exhibit 1 and Exhibit 4, the “Exhibits”) to the *Wind-Down Debtors’ Witness and Exhibit List for January 14, 2025 Hearing* (the “W&E List”) filed contemporaneously with this Motion, and (ii) directing that the Exhibits remain under seal and not be made available to anyone other than Julie Eveland (“Ms. Eveland”) without the prior written consent of the Wind-Down Debtors or on a further motion to this Court. A proposed form of order is attached to this Motion (the “Proposed Order”). The Wind-Down Debtors do not believe there is any opposition to the Motion.

2. Exhibit 1 is the unredacted Proof of Claim No. 214; Exhibit 4 is the unredacted certificate of service evidencing service of various pleadings on Ms. Eveland; and Exhibit 5 is the unredacted payroll stub for Ms. Eveland dated October 22, 2022. The Exhibits contain certain personally identifiable information of Ms. Eveland that should be redacted pursuant to the *Order (I) Authorizing the Debtors to Redact Certain Personally Identifiable Information, (II) Approving the Form and Manner of Notifying Creditors of the Commencement of the Chapter 11 Cases and Other Information, and (III) Granting Related Relief* [Docket No. 75] (the “PII Order”).

3. In accordance with this Motion, the Wind-Down Debtors will serve a copy and proof of filing of the Exhibits under seal to (i) Ms. Eveland, and (ii) the Office of the United States Trustee for the Southern District of Texas (the “U.S. Trustee”).

4. The principal statutory bases for this Motion are sections 105(a) and 107 of title 11 of the U.S. Code (the “Bankruptcy Code”), Rule 9018 of the Federal Rules of Bankruptcy

Procedures (the “Bankruptcy Rules”), and Rule 9037-1 of the Bankruptcy Local Rules of the U.S. Bankruptcy Court for the Southern District of Texas (the “Local Rules”).

JURISDICTION AND VENUE

5. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334. This Motion is a core proceeding under 28 U.S.C. § 157(b). Venue in the Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

BASIS FOR RELIEF

6. Cause exists to grant this Motion and maintain the contents of the Exhibits under seal, which contain certain personally identifiable information for Ms. Eveland. To prevent harm to Ms. Eveland and in accordance with the provisions of the PII Order, the Wind-Down Debtors propose to file the Exhibits under seal.

7. While there is a strong presumption in favor of public access to court records, access to judicial records is not without limits. *See Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978); *see also N. Bay Gen. Hosp., Inc. v. McNaull (In re N. Bay Gen. Hosp.)*, 404 B.R. 429, 438 (S.D. Tex. 2009). Section 105(a) of the Bankruptcy Code codifies the Court’s inherent equitable powers and empowers it to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a). Moreover, pursuant to section 107 of the Bankruptcy Code, the Court may authorize the Wind-Down Debtors to file the Exhibits under seal by permitting the issuance of an order that protects confidential information and protects parties from potential harm that may result from disclosure of harmful or defamatory information. *See 11 U.S.C. § 107; In re Gen. Homes Corp.*, 181 B.R. 898, 903 (Bankr. S.D. Tex. 1995).

8. Bankruptcy Rule 9018 sets forth the procedures by which a party may obtain a protective order authorizing the filing of a document under seal. Bankruptcy Rule 9018 provides, in relevant part, that “[o]n motion, or on its own initiative, with or without notice, the court may make any order which justice requires . . . (2) to protect any entity against scandalous or defamatory matter contained in any paper filed in a Case under the Code.” FED. R. BANKR. P. 9018; *see also*

Local Rule 9037-1 (“[A] motion, reply or other document may initially be filed under seal if the filing party simultaneously files a motion requesting that the document be maintained under seal.”). The Wind-Down Debtors submit that the information in the Exhibits should be protected by the Court in accordance with the terms of the PII Order and pursuant to section 107 of the Bankruptcy Code and Bankruptcy Rule 9018.

9. Pursuant to Local Rule 9037-1(g), the Wind-Down Debtors have not filed a redacted version of the Exhibits and, instead, respectfully move to file the Exhibits under seal in their entirety.

NOTICE

10. Notice of this Motion will be provided to (a) all parties in interest listed on the master service list maintained by the Wind-Down Debtors pursuant to paragraph 11 of the Procedures for Complex Cases in the Southern District of Texas and (b) Ms. Eveland. The Wind-Down Debtors respectfully submit that no further notice is required under the circumstances.

11. Upon the foregoing Motion, the Wind-Down Debtors respectfully request that the Court (a) enter an order, substantially in the form attached hereto, granting this Motion and (b) grant such other relief as is just and proper.

[remainder of page intentionally left blank]

RESPECTFULLY SUBMITTED this 9th day of January 2025.

/s Kelli S. Norfleet

HAYNES AND BOONE, LLP

Kelli S. Norfleet (TX Bar No. 24070678)
1221 McKinney Street, Suite 4000
Houston, Texas 77010
Telephone: (713) 547-2000
Email: kelli.norfleet@haynesboone.com

-and-

Charles M. Jones II (TX Bar No. 24054941)
Jordan E. Chavez (TX Bar No. 24109883)
2801 N. Harwood Street, Suite 2300
Dallas, Texas 75201
Telephone: (214) 651-5000
Email: charlie.jones@haynesboone.com
jordan.chavez@haynesboone.com

Counsel for the Wind-Down Debtors

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 9, 2025, a true and correct copy of the foregoing was served via electronic mail upon the parties that receive electronic notices in these cases pursuant to the Court's ECF filing system.

/s Kelli S. Norfleet

Kelli S. Norfleet